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EXAMINER

ART UNIT

PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/074,131

Applicant(s)

HAYES ET AL.

Examiner

Fred Peng

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 09/14/2007 have been fully considered but they are not persuasive.

Applicant argues on page 27 lines 6-8 of Remarks that Nakata only discloses internal data transfer and has no disclosure of broadcast events or monitoring broadcast events.

The Examiner respectfully disagrees with applicant's arguments. Nakata does disclose the data source can come from a broadcast event (Para 5; Para 6; a tuner to receive a video signal is a broadcast event).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-9, 24, 28, 31-32, 34-38, 50, 55, 58, 61, 64, 66-73 and 81 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakata et al (US 2006/0271993 A1).

Regarding claims 1, 31, 64 and 81, Nakata discloses a communication system (FIG.1, item 1) having a plurality of clients including a first client and a second client (FIG.1, 3A, 3B), a method for providing continuity of at least one broadcast event between the plurality of clients and devices (FIG.1, 3A, 3B) comprising: Monitoring the at least one broadcast event by the first client (Para 74 lines 1-8, Para 75 lines 1-6, Para 111 lines 4-11 ), and launching monitoring of the at

least one broadcast event by the second client in response to an occurrence associated with the at least one broadcast event (Para 79 lines 4-7, Para 82 lines 1-6, Para 83 lines 1-6, Para 86 lines 5-10).

Regarding claims 2 and 32, Nakata further discloses disabling monitoring of the at least one broadcast event by the first client (Para 81 lines 1-4).

Regarding claims 4, 34 and 66, Nakata further discloses one or a combination of broadcast events selected from a group consisting of a sports game, a simulcast concert, a television program (Para 111 lines 5-9), a networked program, and a radio program.

Regarding claims 5, 58 and 67, Nakata further discloses the occurrence comprising one or a combination of occurrences selected from a group consisting of an event start time, a user input received by the first client, a user input received by the second client (Para 82 lines 1-6), a deactivation of the first client, an activation of the second client, and an establishment of a communication connection between the first client and the second client.

Regarding claims 6, 35, 68 and 71, Nakata further discloses the first client operating within a first device (FIG.1, 3A) and further wherein the second client operating within a second device (FIG.1, 3B).

Regarding claims 7, 36, 69, and 72, Nakata further discloses the first device is a device selected from a group consisting of a network device (FIG.1, 3A), a mobile device, and a cable box.

Regarding claims 8, 37, 70 and 73, Nakata further discloses the second device is a device selected from a group consisting of a network device (FIG.1, 3B), a mobile device, and a cable box.

Regarding claims 9, 38 and 61, Nakata further discloses initiating a broadcast monitoring transfer prior to the launching step (Para 77 lines 1-6; Para 79 lines 4-7).

Regarding claims 24 and 50, Nakata further discloses the occurrence comprises: sending a monitoring notification from the first client to the second client (Para 77, Para 78).

Regarding claims 28 and 55, Nakata further discloses the occurrence comprises: sending a monitoring notification from the second client to the first client (FIG.1, 3A, 3B are identical set-up, the operation between them are identical, this includes sending a monitoring notification from 3B to 3A).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 33 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata et al (US 2006/0271993 A1 ) in view of Russell et al (US 2002/0049679 A1).

Regarding claims 3, 33 and 65, Nakata does disclose all the limitations in Claims 1, 31 and 64.

Nakata does not disclose transferring a monitoring license from the first client to the second client prior to the launching step.

In an analogous art, Russell does disclose transferring a monitoring license from the first client to the second client prior to the launching step (Para 67 lines 1-6).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with transferring a monitoring license from the first client to the second client prior to the launching step taught by Russell so that the licensed copy is protected.

6. Claims 10-23, 25-27, 29-30, 39-49, 51-54, 56-57, 59-60, 62-63, 74-80, 82-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata et al (US 2006/0271993 A1 ) in view of Finseth et al (US 2005/0028207 A1 ).

Regarding Claims 10, 74 and 82, Nakata does disclose all the limitations in Claims 1, 9, 64, 68 and 81.

Nakata does not disclose storing at least one transfer client profile associated with at least one of the plurality of clients in the first client prior to the initiating a broadcast monitoring transfer step, wherein the initiating a broadcast monitoring transfer step includes choosing the second client from the stored at least one transfer client profile.

In an analogous art, Finseth discloses storing at least one transfer client profile associated with at least one of the plurality of clients in the first client prior to the initiating a broadcast monitoring transfer step (FIG.7, Para 81 lines 1-6), wherein the initiating a broadcast monitoring transfer step includes choosing the second client from the stored at least one transfer client profile (Para 81 lines 9-14).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with storing at least one transfer client profile associated with at least one of the plurality of clients in the first client prior to the initiating a

broadcast monitoring transfer step, wherein the initiating a broadcast monitoring transfer step includes choosing the second client from the stored at least one transfer client profile taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 11, 75 and 83, Nakata does disclose all the limitations in Claims 1, 9, 64, 68 and 81.

Nakata does not disclose storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step; and linking the second client profile with the at least one broadcast event, wherein the initiating a broadcast monitoring transfer step includes retrieving from storage the second client profile linked to the at least one broadcast event.

In an analogous art, Finseth discloses storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile, associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step (FIG.9, 174, Para 92 lines 3-10); and linking the second client profile with the at least one broadcast event, wherein the initiating a broadcast monitoring transfer step includes retrieving from storage the second client profile linked to the at least one broadcast event (Para 92 lines 1-13).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step; and linking the second client profile with the at least one broadcast event, wherein the initiating a broadcast monitoring transfer step includes retrieving from storage the second client profile linked to the at least one broadcast event taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 12, 76 and 84, Nakata discloses all the limitations in Claims 1, 9, 64, 68 and 81.

Nakata does not disclose storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step; and linking the second client profile with a broadcast channel, wherein the initiating a broadcast monitoring transfer step includes: identifying the broadcast channel associated with the at least one broadcast event, and from storage the second client profile linked to the at least one broadcast channel.

In an analogous art, Finseth does disclose storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step; and linking the second client profile with a broadcast channel, wherein the initiating a broadcast monitoring transfer step includes: identifying the broadcast channel associated with the at least one broadcast event (Para 84 lines 1-3), and retrieving from storage the second client profile linked to the at least one broadcast channel (Para 84 lines 1-5).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step; and linking the second client profile with a broadcast channel, wherein the initiating a broadcast monitoring transfer step including identifying the broadcast channel associated with the at least one broadcast event; and retrieving from storage the second client profile linked to the at least one broadcast channel, taught by Finseth so that more information regarding broadcast program can be shared.



Regarding Claims 13, 77 and 85, Nakata discloses all the limitations in Claims 1, 9, 64, 68 and 81.

Nakata does not disclose linking the second client profile with a time period, wherein the initiating a broadcast monitoring transfer step includes: identifying the time period associated with the at least one broadcast event; and retrieving from storage the second client profile linked to the time period.

In an analogous art, Finseth does disclose linking the second client profile with a time period (FIG.12, 206), wherein the initiating a broadcast monitoring transfer step includes: identifying the time period associated with the at least one broadcast event (FIG.12, item 206); and retrieving from storage the second client profile linked to the time period (FIG.12, item 208, Para 96 lines 1-5).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with linking the second client profile with a time period, wherein the initiating a broadcast monitoring transfer step including identifying the time period associated with the at least one broadcast event; and retrieving from storage the second client profile linked to the time period, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 14, 39, 78 and 86, Nakata does disclose all the limitations in Claims 1, 9, 64, 68 and 81.

Nakata further discloses sending a monitoring notification from the first client to the second client, wherein the monitoring notification includes a broadcast channel identifier (Para 111 lines 8-13).

Nakata does not disclose sending a request for a plurality of broadcast information associated with the at least one broadcast event from the second client to the broadcast server; and receiving the plurality of broadcast information from the broadcast server by the second client.

In an analogous art, Finseth does disclose sending a request for a plurality of broadcast information associated with the at least one broadcast event from the second client to the broadcast server (Para 84 lines 1-5); and receiving the plurality of broadcast information from the broadcast server by the second client (Para 84 lines 1-5, building his/her own program guide requires requesting and receiving broadcast information from the broadcast server).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with sending a request for a plurality of broadcast information associated with the at least one broadcast event from the second client to the broadcast server; and receiving the plurality of broadcast information from the broadcast server by the second client, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claim 15, the claim is met by Nakata and Finseth. In particular, Finseth discloses the monitoring notification including a time stamp (Para 82 lines 1-5, transmission through the internet includes the time stamp).

Regarding Claims 16, 40 and 79, Finseth further discloses one or a combination of broadcast information selected from a group consisting of an event start time, an event end time, a plurality of event connection information, and a plurality of media information (Para 81 lines 3-6).

Regarding Claims 17, 41 and 80, Finseth further discloses the plurality of media information including a plurality of canned content information (Para 84 lines 1-5).

Regarding Claims 18 and 43, Nakata does disclose all the limitations in Claims 1, 9, 31 and 38.

Nakata does not disclose sending a request for a plurality of broadcast information associated with the at least one broadcast event from the first client to the broadcast server; receiving the plurality of broadcast information from the broadcast server by the first client; and sending a monitoring notification from the first client to the second Client, wherein the monitoring notification includes the plurality of broadcast information.

In an analogous art, Finseth discloses sending a request for a plurality of broadcast information associated with the at least one broadcast event from the first client to the broadcast server; receiving the plurality of broadcast information from the broadcast server by the first client (FIG.4, 88A, Para 64 lines 7-12, Para 70 lines 1-5); and sending a monitoring notification from the first client to the second client, wherein the monitoring notification includes the plurality of broadcast information (Para 80).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with disclose sending a request for a plurality of broadcast information associated with the at least one broadcast event from the first client to the broadcast server; receiving the plurality of broadcast information from the broadcast server by the first client; and sending a monitoring notification from the first client to the second client, wherein the monitoring notification includes the plurality of broadcast information, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claim 19, Finseth further discloses one or a combination of broadcast information selected from a group consisting of an event start time, an event end time, a plurality of event connection information, and a plurality of media information (FIG.4, 94; Para 80 lines 4-6).

Regarding Claims 20 and 44, Finseth further discloses the plurality of media information including a plurality of canned content information (FIG.4, 106).

Regarding Claims 21, 29, 46 and 56, Nakata does disclose all the limitations in claims 1, 9, 28, 31, and 55. Nakata further discloses sending a monitoring notification from the first client to the second client (Para 111 lines 8-13).

Nakata does not disclose requesting a plurality of broadcast information by the second client prior to the launching step in response to the monitoring notification; and sending the plurality of broadcast information from the first client to the second client in response to the requesting step.

In an analogous art, Finseth discloses requesting a plurality of broadcast information by the second client prior to the launching step in response to the monitoring notification (Para 91 lines 1-3, in order to view the program guide, viewer needs to request, like using remote control); and sending the plurality of broadcast information from the first client to the second client in response to the requesting step (Para 91 lines 1-7, per user's request, server sending the program guide to the receiver).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with requesting a plurality of broadcast information by the second client prior to the launching step in response to the monitoring notification; and sending the plurality of broadcast information from the first client to the second client in response to the requesting step, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 22 and 47, Finseth further discloses the plurality of broadcast information comprising one or a combination of broadcast information selected from a group consisting of an event start time, an event end time, a plurality of event connection information, and a plurality of media information (FIG.4, 94).

Regarding Claims 23 and 48, Finseth further discloses the plurality of media information includes a plurality of canned content information (FIG.4, 106).

Regarding Claims 25 and 51, Nakata does disclose all the limitations in Claims 1, 24, 31, and 50.

Nakata does not disclose the monitoring notification including a plurality of broadcast information.

In an analogous art, Finseth does disclose the monitoring notification including a plurality of broadcast information (FIG.4, 94).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with the monitoring notification including a plurality of broadcast information, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 26 and 52, Finseth further discloses the plurality of broadcast information comprising one or a combination of broadcast information selected from a group consisting of an event start time, an event end time, a plurality of event connection information, and a plurality of media information (FIG.4, 94).

Regarding Claims 27 and 53, Finseth further discloses the plurality of media information including a plurality of canned content information (FIG.4, 106).

Regarding Claims 30 and 57, Nakata does disclose all the limitations in Claims 1, 28, 31, and 55.

Nakata does not disclose the monitoring notification including a second client profile.

In an analogous art, Finseth does disclose the monitoring notification including a second client profile (FIG.9, 176A).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with the monitoring notification including a

second client profile taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claim 42, Finseth further discloses a plurality of canned content information is associated with the at least one broadcast event (FIG.4, 106), the method further comprising: determining the plurality of canned content information by the second device in response to the receiving of the plurality of broadcast information step (FIG.7, 140, Para 84, lines 1-5).

Regarding Claims 45, 49 and 54, Finseth further discloses receiving the monitoring notification including the plurality of broadcast information by the second transfer application operating within the second device (FIG.7; 138, Para 83); and determining the plurality of canned content information by the second device in response to the receiving of the monitoring notification including the plurality of broadcast information step (FIG.7, 140, Para 84).

Regarding Claim 59, Nakata does disclose all the limitations in Claim 31.

Nakata does not disclose downloading an event monitoring application by the second device prior to the launching step.

In an analogous art, Finseth does disclose downloading an event monitoring application by the second device prior to the launching step (Para 84, build a personal program guide based on the information from first device).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with downloading an event monitoring application by the second device prior to the launching step, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claim 60, Finseth further discloses receiving a navigational path from the first device by the second device prior to the downloading step (the shared viewing preference

information from 1st device to the 2nd device is a navigational path), wherein the downloading step comprising downloading the event monitoring application using the navigational path (Para 84 lines 1-7).

Regarding Claim 62, Nakata does disclose within a communication system (FIG.1, item 1, Para 111 lines 4-8) having a plurality of devices including a first device (FIG.1, 3A) and a second device (FIG.1, 3B), a method for providing continuity of at least one broadcast event between the plurality of devices comprising: monitoring the at least one broadcast event by a first client on the first device (FIG.1, 3A) ; transferring a plurality of broadcast information associated with the at least one broadcast event from the first device to the second device (Para 111 lines 4-13).

Nakata does not disclose sending the plurality of broadcast information from the second device to the third device in response to an occurrence associated with the at least one broadcast event; and launching monitoring of the at least one broadcast event by a third client on the third device in response receiving the plurality of broadcast information sent from the second device.

In an analogous art, Finseth does disclose monitoring of the at least one broadcast event by a third client on the third device in response receiving the plurality of broadcast information sent from the second device (Para 87 lines 1-14, server is the second client, the remaining group members is the third client).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Nakata with monitoring of the at least one broadcast event by a third client on the third device in response receiving the plurality of broadcast information sent from the second device, as taught by Finseth so more viewers can share the broadcast information.

Regarding Claim 63, Nakata further discloses the occurrence comprising one or a combination of occurrences selected from a group consisting of an event start time, a user input

received by the first device (Para 77 lines 1-6), a user input received by the second device, a user input received by the third device, a detection of movement of the third device, a deactivation of the first device, a deactivation of the first client, an activation of the third device, an activation of a first transfer application operating, within the first device, an activation of a second transfer application operating within the second device, an activation of a third transfer application operating within the third device, an establishment of a communication connection between the first device and the second device, and an establishment of a communication connection between the second device and the third device.

#### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng  
Patent Examiner

Vivek Srivastava  
Supervisory Patent Examiner

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized flourish at the end.

VIVEK SRIVASTAVA  
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